

## Central Valley Regional Water Quality Control Board

25 March 2015

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Mr. Brent Alan Vanderkam  
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**CLEANUP AND ABATEMENT ORDER NO. R5-2015-0702 AND ADMINISTRATIVE CIVIL LIABILITY COMPLAINT R5-2015-0522 , BRENT ALAN VANDERKAM – ASSESSOR PARCEL 099-120-035-000, SHASTA COUNTY**

Enclosed are a Cleanup and Abatement Order (Order) for the cleanup and abatement of effects of discharges of soil and rock and to prevent future discharges from Assessor Parcel 099-120-035-000 in Shasta County (Property), and an Administrative Civil Liability Complaint (Complaint) for discharges of sediment laden storm water runoff and fill material to tributaries of Cow Creek issued pursuant to California Water Code (CWC) section 13385 to Brent Alan Vanderkam (Discharger). The Order is effective immediately and requires the Discharger to clean up and abate the discharges of pollutants associated with marijuana cultivation activities and requires action be taken to prevent future discharges from the Property.

The Order includes a timeline for compliance with the tasks set forth in the Order. The first task requires that by **1 May 2015**, the Discharger shall prepare and provide plans for stabilization and mitigation efforts meeting the requirements detailed in the Order.

In the Complaint, the Prosecution Team recommends a combined administrative civil liability in the amount of **two hundred and one thousand, and four hundred dollars (\$201,400)**.

The Discharger may:

- Pay the proposed administrative civil liability and waive its right to a hearing (Option #1 on the attached waiver form);

- Ask that the hearing be postponed for reasons that must be provided (Options #2 on the attached waiver form); or
- Contest the Complaint and/or enter into settlement discussions immediately and while preparing for pending hearing.

If the Central Valley Water Board does not receive a signed waiver from the Discharger and check for the combined total liability by **8 April 2015**, or if an agreement in principle is not reached with all Dischargers by **8 April 2015**, then a hearing will be scheduled for the **4/5 June 2015** Board meeting in Rancho Cordova. This hearing will be governed by the attached Hearing Procedure, which has been approved by the Board Chair for use in adjudicating matters such as this one. Any objections to the Hearing Procedure must be received by Patrick Pulupa, whose contact information is listed in the Hearing Procedure, by **5 p.m. on 2 April 2015**.

If the Discharger chooses to sign the waiver and pay the assessed civil liability, this will be considered a tentative settlement of the violations. The settlement will be considered in a 30-day public comment period, starting from the date this Complaint is issued. Interested parties may comment on the proposed action during this period by submitting written comments to the Central Valley Water Board staff person listed below. If the Central Valley Water Board does not receive payment for the entire combined liability and waivers from all the Dischargers named in the complaint, then a hearing will be held on this matter. Should the Central Valley Water Board receive new information or comments during this comment period and/or at the hearing, the Water Board may return any payments received, and issue a final Administrative Civil Liability Order based on information and facts obtained during the hearing. If the Central Valley Water Board does not hold a hearing on the matter, and if the terms of the final settlement are not significantly different from those proposed in the enclosed Complaint, then there will not be additional opportunities for public comment on the proposed settlement.

In order to conserve resources, this letter transmits paper copies of the documents to the Discharger only. Interested persons may download the documents from the Central Valley Water Board's Internet website at:

[http://www.waterboards.ca.gov/centralvalley/board\\_decisions/tentative\\_orders/](http://www.waterboards.ca.gov/centralvalley/board_decisions/tentative_orders/)

Copies of these documents can also be obtained by contacting or visiting the Central Valley Water Board's office weekdays between 8:00 AM and 5:00 PM.

If you have any questions or would like to discuss legal aspects of the Order and/or Complaint, please contact Yvonne West, Senior Staff Counsel, State Water Resources Control Board, Office of Enforcement at (916) 322-3626. If you have technical questions regarding the Order, please contact Ashley Hampton, Environmental Scientist, Central Valley Water Board, at (530) 224-6130.

Clint E. Snyder, P.G.  
Assistant Executive Officer

AH:lmw

Enclosures: Cleanup and Abatement Order No. R5-2015-0702  
Administrative Civil Liability Complaint R5-2015-0522

cc: Enclosures via email without attachments

Andrew Altevogt, Central Valley Water Board, Sacramento  
Clay Rodgers, Central Valley Water Board, Sacramento  
Robert LHeureux, Central Valley Water Board, Sacramento  
Andrew Deeringer, State Water Board, Office of Chief Counsel, Sacramento  
Nathan Jacobsen, State Water Board, Office of Chief Counsel, Sacramento  
Yvonne West, State Water Board, Office of Enforcement, Sacramento  
Ashely Hampton, Central Valley Water Board, Sacramento  
Linda Barrera, Dept. of Fish and Wildlife, Sacramento  
Lt. DeWayne Little, Dept. of Fish and Wildlife, Redding  
Steven Crowl, Dept. of Fish and Wildlife, Redding  
William Bond, SHN Consulting Engineers and Geologists, Inc.  
Dale Fletcher, Shasta County Dept. of Resource Management, Redding  
Carla Serio, Shasta County Dept. of Resource Management, Redding

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